

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GARY BERNARD WESSLING,

Civil No. 15-2777 (JRT/KMM)

Plaintiff,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

TERRY SANDQUIST,

*In his official capacity as McLeod County
Probation Officer*

Defendant.

Daniel Koewler, **RAMSAY LAW FIRM, PLLC**, 2780 Snelling Avenue North, Suite 330, Roseville, MN 55113 for plaintiff.

Matthew Frank, James Early, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1800, St Paul, MN 55101-2134, Michael Keith Junge, **MCLEOD COUNTY ATTORNEY**, 830 East 11th Street, Suite 112, Courthouse, Glencoe, MN 55336, for defendants.

The above matter came before the Court on the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated November 16, 2016. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, and upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order:

IT IS HEREBY ORDERED that:

1. Petitioner Gary Bernard Wessling's Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus by a Person in State Custody [Docket No. 1] is **DENIED**.

2. Respondent's Answer and Motion to Dismiss the Petition for Writ of Habeas Corpus [Docket No. 11] is **GRANTED**.

3. No certificate of appealability shall be issued.

4. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: December 9, 2016
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court